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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,071

12/29/2003

Paul A. Barsanti

PP019814.0004

8570

27476

7590

08/11/2008

NOVARTIS VACCINES AND DIAGNOSTICS INC.

INTELLECTUAL PROPERTY R338

P.O. BOX 8097

Emeryville, CA 94662-8097

EXAMINER

SNYDER, STUART

ART UNIT

PAPER NUMBER

1648

MAIL DATE

DELIVERY MODE

08/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10748071	12/29/2003	BARSANTI ET AL.	PP019814.0004

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EXAMINER

STUART W. SNYDER

ART UNIT	PAPER
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1648	20080805
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Commissioner for Patents

In a telephonic interview with Mr. Michael Smith (Reg. No. 44,422), he suggested that the finality of rejection of the Application (see Office Action mailed 2/8/2008) was improper because rejection of claims 2-3 and 75-112 under 35 USC 112, scope of Enablement not necessitated by amendment to the claims. Mr. Smith pointed out that the limitations introduced into amended claim 2 were previously presented as limitations of the now cancelled claim 1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

/Mary E Mosher, Ph.D./
Primary Examiner, Art Unit 1648